

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>CHARLES WILLIAMS,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A. No. 20-794 Pittsburgh</b>
<b>v.</b>	)	
	)	<b>District Judge Susan Paradise Baxter</b>
<b>THE PA DEPT. OF CORRECTIONS,</b>	)	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>et al.,</b>	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff Charles Williams, an inmate formerly incarcerated at the State Correctional Institution at Fayette in LaBelle, Pennsylvania (“SCI-Fayette”), commenced this *pro se* civil rights action on June 1, 2020, against the Pennsylvania Department of Corrections (“DOC”) and numerous DOC employees, most of whom are staffed at SCI-Fayette (collectively referred to as “DOC Defendants”), and Dr. Byunghak Jin, a physician under contract with the DOC to perform medical services at SCI-Fayette (“Jin”). This matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Plaintiff subsequently filed an amended complaint on August 3, 2021 [ECF No. 33], to which both Defendant Jin and the DOC Defendants filed motions to dismiss. [ECF Nos. 41 and 47, respectively]. On April 5, 2022, Judge Lanzillo issued a Report and Recommendation recommending that Defendants’ motions to dismiss be granted. [ECF No. 81]. By Memorandum Order dated May 11, 2022, this Court adopted the Report and Recommendation and dismissed all claims against the DOC and all official capacity claims for monetary damages against each

individual Defendant, with prejudice, and all remaining claims without prejudice and with leave to file a second amended complaint. [ECF No. 91].

On July 5, 2022, Plaintiff filed a second amended complaint against Defendant Jin and the same individual DOC Defendants, asserting First and Eighth Amendment violations, a civil rights conspiracy claim, a Pennsylvania defamation claim, and a claim for conduct “unbecoming an officer.” [ECF No. 94]. On July 19, 2022, the DOC Defendants filed a motion to dismiss the second amended complaint for failure to state a claim. [ECF No. 95]. Three days later, on July 22, 2022, Defendant Jin filed his own motion to dismiss for failure to state a claim. [ECF No. 99].

After Defendants’ motions to dismiss were fully briefed by the parties, Judge Lanzillo issued a Report and Recommendation (“R&R”), dated February 2, 2023 [ECF No. 116], recommending that Defendant Jin’s motion be granted and that the DOC Defendants’ motion be granted in part and denied in part. Specifically, the R&R recommends that all claims against Defendant Jin and all claims against the DOC Defendants be dismissed with prejudice, except for Plaintiff’s failure to protect and conditions of confinement claims asserted in Count One against Defendants Wetzel, Capozza, and Armel, which should be allowed to proceed.

Plaintiff filed timely objections to the R&R on February 21, 2023, which was the deadline for filing objections.[ECF No. 120]. He then filed another expanded set of objections on March 2, 2023 [ECF No. 121], and a supplement to his original objections on March 10, 2023 [ECF No. 124]; however, both of these additional documents were filed without obtaining leave of the court. Nonetheless, the Court has reviewed these documents and has determined that they, like Plaintiff’s original objections, simply reiterate the same arguments Plaintiff previously

raised in the documents he filed in opposition to Defendants' motions to dismiss, which have already been appropriately considered by the Magistrate Judge in his well-reasoned R&R.

Thus, after *de novo* review of the relevant documents in this case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 27th day of March, 2023;

IT IS HEREBY ORDERED that Defendant Jin's motion to dismiss [ECF No. 99] is GRANTED, and the DOC Defendants' motion to dismiss [ECF No. 95] is GRANTED IN PART and DENIED IN PART, as follows: all claims against Defendant Jin and all claims against the DOC Defendants are hereby dismissed with prejudice, except for Plaintiff's failure to protect and conditions of confinement claims asserted in Count One of the second amended complaint against Defendants Wetzel, Capozza, and Armel, which are allowed to proceed beyond the pleading stage. The report and recommendation of Magistrate Judge Lanzillo, issued February 2, 2023 [ECF No. 116], is adopted as the opinion of the court.

In accordance with the foregoing, the Clerk is directed to terminate from this action all Defendants other than Defendants Wetzel, Capozza, and Armel.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
United States Magistrate Judge